THE EXAMINER.

No. 55. SUNDAY, JANUARY 15, 1809.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few.

SWIFT.

No. 55.

SPAIN.—REMARKS ON A SINGULAR ARTICLE IN THE TIMES NEWSPAPER.

"We have for some time observed, with considerable pain, various attempts in publications, diurnal, weekly, and even quarterly, to load with obloquy, at one time illustrious individuals; at another, the constituted authorities; and at last, the general body of the Spanish nation. We have only been withheld from repelling these *odious* charges, by the fear of giving to them the publicity which they do not deserve, and lest it should be thought that the necessity of a defence might imply at least the suspicion of a crime. The *calumnies* against Don PEDRO CEVALLOS, and the Central Junta, we shall forbear at present to refute; but the accusations which are now brought against the people of Spain, flowing from different quarters, though in narrow channels, require that those who have the essential interest of the two countries at heart should be no longer silent. The Spanish nation, we are now told, is lukewarm in its own cause, is insensible of the transcendent blessings of freedom, and unwilling to contend with all its energy for its own independence! The *base inhumanity* of this charge is as obvious as its *falsehood*.

"Is this the opportunity that we seize to upbraid our allies, when they are suffering under what their accusers conceive to be *irremediable calamity*? Distress is entitled to compassion under almost any circumstances; and if this gallant nation were really so likely to be subdued as some suppose, their lot ought to excite far other feelings than those of anger, and to call forth different language from that of reproach. But, if they are indeed so inattentive to their own interest and glory, whence is it that their apathy was never discovered till the very moment at which General MOORE was retiring before that enemy, whom they had unsuccessfully dared to encounter, and quitting in haste the field upon which they had bled? If the Spaniards are culpable because, under all the circumstances of dilapidated resources, dissolved authorities, distracted councils, sudden and perfidious invasion, they have not been able to raise, in the short space of eight months, an army sufficient to contend at first with the conquerors of Europe; what shall be said of us, their allies, who, during the same space, with a force ready formed and marshalled for foreign service, of 200,000 men, have never yet been able to send more than 35,000 to their assistance, and those at a period when it was too late for co-operation? It will be said, and to a certain extent we admit the justice of the plea, that the Spaniards were at first jealous of our aid. But what does this prove, more than that we had difficulties to encounter in the discharge of our duty? And had the Spaniards among themselves no suspicions to lull, no fears to silence, no jarring opinions to unite, no internal opposition to overcome? Suppose England at this moment to awake, as it were, from a trance, and to find at once her Throne overturned, her Exchequer plundered, and all her fortified places seized by a treacherous foe: would not every man look around him with apprehension and dismay, and each view (however unjustly) his neighbour as a spy upon his actions, and an accomplice in his country's ruin? So that while we plead jealousy on the part of our allies as a bar to our assistance, we ought to consider how much more powerful an impediment it must have been in the way of their exertions. And if we must seize a time to upbraid them, let it be at any other rather than that at which they are apparently (though we trust not really), deserted by us.

"Having thus, as we conceive, shewn both the *barbarity* and *injustice* of alleging charges of this nature against Spain, we shall say a few words respecting the authors of them, in order that our brave Allies may see that such are not the genuine sentiments of the English nation, but spring from men as *contemptible for their stupidity*, as they are *odious for their baseness*. For of those who accuse the Spaniards of inactivity in the preservation of their country, some would wish to be thought the friends, and others call themselves the enemies, of the British Ministry. But if they are the former, can they not see, that by their abuse of the Spanish People, they are involving their patrons in a quarrel with the governing powers of that nation? and if the latter, is it not equally obvious that they are counteracting their own desires, and pleading the cause of their political opponents, by removing the blame of whatever disasters may have occurred in Spain, from them to the inhabitants of that country? Nay, is it not undeniable, that they both are (inadvertently we allow, for *fools* never know the mischief they do) affording the common enemy of Spain and England the most plausible pretext for sowing dissention between the two nations, by exhibiting the virulence with which one treats the other?

"We, who as yet see no serious cause for despair, have hitherto found no unqualified occasion for upbraiding. Probably neither country has done all that might have been done: but when were ever human efforts commensurate with the boundaries of human power? Yet let but the assistance of England, even now, *be as prompt and potent as the exertions of Spain*, and the cause will eventually prosper; or should it indeed prove otherwise, it will be a glory to us, and a consolation to our Allies, that when the last Spaniard falls in the defence of his country, an Englishman should perish by his side."—*The Times of Jan.* 12.

HAD this piece of writing appeared in one of the mere party papers, it would have been a mere subject for laughter. In those papers there are specimens of the same furious romance every day; and I am willing to allow that they are of some service, for they inevitably bring their writers into contempt. But in a print like the *Times*, which has lately got rid of it's corrupt character and produced some very forcible strictures on our national policy, reasonable people are ashamed to see a passionate prejudice, so useless to the common cause, and so utterly contradictory to common fact.

The "publications diurnal, weekly, and even quarterly," which this writer accuses of scandalizing the Spanish People, consist, I suppose, among others, of the *Statesman*, the *Chronicle*, the *Political Register*, the *Edinburgh Review*, and this Paper; and he tells us, that he has hitherto been restrained from refuting them, only because he would not give them an undeserved publicity, for according to his account, the writers are a set of *contemptible* and *stupid fools*. Now, though it is a horrid thing, no doubt, to be withheld from public notice by the Editor of the *Times*, and though it must give us an awful opinion of his silent con-

tempt to think how it must have injured the sale of the *Edinburgh Review* and other publications struggling for notice, yet perhaps it would have produced a higher veneration for his reasoning powers, had he withheld a few of these epithets from his opponents, for the world really entertain a notion, that Mr. Cobbett, for instance, possesses a political acuteness not exactly contemptible, and that the Edinburgh literati, strictly speaking, cannot be called *stupid fools*. As to the *Statesman* and *Chronicle*, though I differ materially with their party attachments, yet upon the general merits of the present contest it appears to me that they have both produced some very judicious papers, and as a corroboration of this opinion, the former in particular has been borne out in the fullest manner by the test of *actual events*. I might say a little on this head for myself. However, as facts are nothing to a writer who thinks the Spaniards a whole nation of patriots, and as the system of accusing others of being fools is the logic upon which the comparative merits of himself and his cotemporaries are to rest, it is natural he should do his best to establish it. The question at the same time is not to be one of mere intellect. It is a principle with this awful Editor, that every body who thinks ill of the Spaniards must have a diabolical heart, and accordingly he denounces all the above publications as *odious*, *calumnious*, *base*, *inhuman*, *false*, *barbarous*, and *unjust*. If you are disgusted with the tergiversation of such a man as Cevallos, or in other words, of their "*illustrious individuals*," you are *calumnious*; if you doubt the patriotic motives of the refuse of three courts, or in other words, the Supreme Junta, you are *unjust* and *barbarous*; if you suspect, from the progress of the French and the difficulties of the English, that the Spaniards have not been so zealous in the sacred cause as they were represented, you are *base*, *odious*, and *inhuman*. Thus when Bonaparte overthrows the Inquisition, *which the Supreme Junta would not*, we revive it in our newspapers, and every body who does not put faith in Spanish excellence is not allowed to be a Christian. The dictionaries, I suppose, must be altered at last, and the word *villain* be defined—"A profligate—an unprincipled person, &c.—*one who differs with the Spaniards*." For my own part, though I believe I was the first of my brother Editors who commented on the duplicity of Cevallos and the tyrannical measures of the Junta, yet I acknowledge myself to be so hardened in my opinions, that I feel a gratification in having shewn such an eagerness for the truth. Nay, so far from being pursued with the usual troubles that haunt a guilty, *unjust*, and *odious* conscience, not a single Spanish ghost thrusts his whiskers through my curtains at night; I can go to bed without fancying a Junta behind the door, and can rise at breakfast to laugh at the droll gravity of my accuser, as if nothing had happened. At the same time I am sorry that the *Times* Editor will not refute the *calumnies* against Cevallos and the Spanish Junta "at present," for I really long to be persuaded, that that able Minister has not served three masters, and that the Junta did not throw restrictions on the press.

The *Times* accuses us of upbraiding the Spaniards when we acknowledge them to be suffering under "irremediable calamity." Now, I believe I may answer in the name of every impartial thinker on the subject, that this is not the fact. It is an artful piece of sophistry to accuse us of not feeling for a people half-conquered by our greatest enemy: but there is a feeling for the slave who endeavours with all his might to unshackle himself, and there is a feeling for the slave who does not; and as long as an Englishman feels like an Englishman, so long will he make a difference between those who will not endure chains at all, and those who, if they hate slavery, hate it according to the master and not for the meanness—between patriots, who like Leonidas and his Spartans will obstruct and terrify the enemy by dying inch by inch at the pass to the capital, and patriots *who out of nine millions of men could not find a sufficient number, during their most hopeful and best-governed times, to drive forty thousand of the enemy from the frontiers*. It is still a question, and a very alarming question too to the enemies of France, which is the greater calamity *to the Spaniards*, their enslavement by Bonaparte under all the circumstances of weakened feudality and superstition, or the restoration of a worthless Prince who would have sold his country to France, and would sell it again to the Inquisition. But laying aside so obvious, and I suppose so odious a question, what is this "irremediable calamity," upon which our pathetic politician grows angry, if we are to feel for it more than the inhabitants of Madrid, *thousands of whom have just been petitioning and imploring the "august," "gracious," and "benevolent" French Emperor, to indulge them with a King?* Editors are certainly not answerable for every thing their correspondents write, but they should take care how they admit paragraphs stating, as facts, that all the prisoners in England took a walk the other day in Marylebone fields, or that Westminster Abbey danced a minuet up Parliament-street:—a person calling himself a Spaniard (for people in his condition will fancy themselves any thing) writes to the *Times* to say that in his country "there is not a town or province but has made and still is making the greatest exertions;" and that "every statement to the contrary is false—most false."—These things, to say the least of them, can do no possible good to the newspaper.

What the writer means by wondering that the present Spanish feeling was never discovered by it's exposers till General Moore began to retire before the enemy, I cannot attempt to understand. Did not the Examiner express it's regret on the occasion, directly it found that nine millions could not conquer forty thousand men? Has not Mr. Cobbett for a long time expressed his doubts of the sound patriotism of at least the upper orders in Spain? Was not the *Edinburgh Review*, containing that article on Cevallos which seems to have set all the courtiers' teeth chattering, published long before we heard any thing of General Moore's retreat? The *Times* writer himself, in the first part of his remonstrance, says he has *for some*

time observed with pain, &c. &c. and yet he would make it appear, by this question of astonishment, that he has *not* observed it for some time. This would be pleasant, were it not excessively pitiable. If the Spaniards, he says, are culpable in having met with these misfortunes amidst "dilapidated resources, dissolved authorities, and distracted councils," what shall be said of us for not having assisted them better?—Nothing good, certainly. We have used a shameful delay, our Ministry are deeply implicated in the faults of the time, our military system is abominable; but all this does not make the Spanish system, or want of system, a jot the better; it does not give consistency to Cevallos, freedom of thinking to the Junta, or patriotism to the petitioners of Madrid. What did the Anglo-Americans, no very admirable people, do, when they had "dilapidated resources and dissolved authorities;"—or rather what did the French do at the beginning of the revolution, when they had no resources at all, no authorities at all, and councils worse than distracted? They beat the enemy at every point, to the admiration and astonishment of all Europe; and why? Because they were unanimous against their enemies, though they were divided against each other. It was precisely the same with the Greeks in the most glorious ages of their independence. The *Times* Editor, with all his delicacy for bad systems and councils, is very willing to throw every atom of blame upon the English Government, so that we are to be as severe as we please with our own rulers, but not to say a word against the Spaniards! This may be a politeness suited to those amiable personages, who after having smirked and smiled and been annoyed all the evening abroad, shall come home and vent their ill-temper upon their wives; but it is not a politeness founded on common justice, and common justice is due as well to bad wives as to good, to English Ministers as well as to the immaculate conceptions of a Spanish Junta. The Editor, like the party papers which he seems so ambitious of imitating, divides the accusers of Spain into Ministerial and Anti-ministerial, in order to avoid the necessity of addressing himself to impartial men. He ridicules the "contemptible stupidity" of the Ministerial accusers of Spain, because they involve their patrons in the quarrel; and the "contemptible stupidity" of the Anti-ministerial, because they remove blame from the Government to the Spaniards? Finally, he calls them both fools for affording the best pretext to Bonaparte's ambition, by exposing the variance of the two nations. But has this writer no idea that there are reasonable men existing, whose numbers are every day increasing, and who care neither for things Ministerial nor things Anti-ministerial, but for their Country and for truth? What signify the ravings of his correspondents, or his own insane want of modesty? He is very triumphant over his party adversaries for their want of political logic; but let him ask himself, in what his own belief of the unanimous virtue of the Spaniards actually concludes? In this simple acknowledgment,—that *nine millions of people, full of enthusiasm and a love of liberty*, could not preserve their freedom by their own efforts for a single year. If this deduction be true, Bonaparte's assertion respecting a free and determined people, an assertion quoted so victoriously at the beginning of this contest, must be utterly false, and the French must be too great a power to leave a shadow of hope for the independence of the British nation. But it's inconsistency, thank God, is too manifest to create sorrow for any body but it's author. He concludes his impassioned fiction with the usual infatuation about seeing no real prospect of Spain's subjugation, and saying that if our exertions are as *prompt and potent* as her own, the cause will inevitably triumph. If promptness consists in delaying to attack a weakened enemy and waiting for his refreshed vigour, and if potency consists in delivering up capital cities with scarcely a blow, I not only am inclined to doubt the propriety of copying Spanish military virtue in the present instance, but I am sure that such promptness and potency would never be of the least avail if the enemy should invade us ourselves. If the writer were not in a passion, I should conclude he was laughing at us: for it is a foible of this kind of style, that it's most serious passages are inevitably it's most ludicrous.—The Editors of papers had much better employ their time in combating the follies that more immediately threaten their own country, than in paying compliments to a nation who neither have been, no will be, free, till their intellect is free.

☞

FOREIGN INTELLIGENCE.

FRANCE.

TWENTIETH BULLETIN OF THE ARMY OF SPAIN.

Madrid, Dec. 19.—His Majesty this day reviewed the army which is at Madrid, with all its equipage and appointments. Sixty thousand men, 150 pieces of cannon, more than 1500 carts loaded with biscuit and brandy, formed an assemblage formidable in every respect. The right of the army was stationed on Charmartin, and the left stretched beyond Madrid.

The Duke of Belluna still continues at Toledo with the whole of his corps.

The Duke of Dantzic, with the whole of his corps, still continues at Talavira de la Reyna.

The 8th corps has arrived at Burgos.

General St. Cyr is forming his junction at Barcelona with General Duhesme.

Our posts of cavalry are clearing the roads to the borders of Andalusia.

The Emperor has given the army a few days of repose.

Very fine fortifications are carrying on upon the heights of Madrid. Six thousand men are employed on these works.

The small besieging train, composed of 24-pounders and of small mortars, is arrived.

There has been found at Talavera de la Reyna, about 50 men in the hospitals, two or three hundred saddles, and some remains of magazines belonging to the English troops.

Some detachments of cavalry have made their appearance in the neighbourhood of Valadolid.—This is the first symptom of existence which the English have indicated. Their sick and their deserters are in great number. On the 13th of December their army was still at Salamanca. Such distinguished elf denial; such a singular state of immobility for the last six

successive weeks, must be acknowledged to have the appearance of something very extraordinary.

His Majesty enjoys the most perfect state of health.

CAPITULATION

Proposed by the Military and Civil Junta of Madrid, to his Imperial and Royal Majesty the Emperor of the French.

ART. I. The preservation of the Catholic, Apostolic, and Roman Religion, without any other being legally tolerated.—*Answer.* Granted.

II. The liberty and security of the lives and property of the citizens and other persons residing in Madrid, as well as of those in public employments: the preservation of their situations, or the option of their retiring from this Court, if they should prefer it. Likewise the lives, privileges, and properties of the secular and regular Ecclesiastics of both sexes, together with the respect due to the Churches, all in conformity to our laws and customs.—*Answer.* Granted.

III. The lives and properties of all Military Officers of rank are likewise to be safe.—*Answer.* Granted.

IV. No person shall be liable to persecution, on account of their political opinions or writings, any more than those employed in a public capacity, for what they may have done hitherto in the exercise of their employments, or in obedience to the former Government; nor shall the people suffer for the efforts which they have made for their defence.—*Answer.* Granted.

V. No other contributions shall be exacted beyond the ordinary ones that have hitherto been paid.—*Answer.* Granted, till the realm shall definitively be organised.

VI. Our laws, customs, and courts of justice shall be preserved in their present constitution.—*Answer.* Granted, until the kingdom undergoes its definitive organisation.

VII. The French troops and their Officers shall not be quartered in private houses, but in military lodging houses and tents, and by no means in convents and monasteries; the privileges allowed to the respective classes by the laws being preserved.—*Answer.* Granted: it being well understood that both the officers and privates must have quarters and tents that are furnished conformably to the military regulations, unless the said buildings be insufficient.

VIII. The troops shall march out of the town with the honours of war, and be at liberty to retire whithersoever they chuse.—*Answer.* The troops shall march out with the honours of war; they shall march off by files to-day at four o'clock in the afternoon, and leave their arms and cannon: the armed peasants shall also leave their arms and artillery; after which the inhabitants shall retire to their houses, and those from without the town to their villages. All the individuals that have enlisted among the troops of the line four months ago, shall be free from their engagements, and retire to their villages. All the rest shall continue prisioners of war till an exchange take place, which will commence immediately between equal numbers, and rank for rank.

IX. The public debts and engagements of the state shall be faithfully and constantly discharged.—*Answer.* This being a political object, belongs to the cognizance of the assembly of the realm, and depends on the general administration.

X. Those Generals who wish to continue in the capital, shall preserve their rank; and such as are desirous of quitting it, shall be at liberty so to do.—*Answer.* Granted: they shall remain in their station, although their pay can only continue till the kingdom receives its ultimate organization.

ADDITIONAL ELEVENTH ARTICLE.—A detachment of guards shall this day, at four o'clock, take possession of the Palace gates. The different gates of the city shall, about the same time, be delivered up to the French army. The guard-house of the body guards, and the general hospital, shall be surrendered to the French army at the same time. At the same hour, the park of artillery, and the arsenals, together with the engineers, shall be surrendered to the French artillery and engineers. The works and entrenchments shall be levelled, and the streets repaired. The French Officer about to take the command of Madrid, shall about mid-day repair, under a military guard, to the house of the Principal (Governor), in order to concert with Government, regulations of Police, and measures for the re-establishment of good order and public security in all parts of the town.

We the undersigned Commissioners, authorised by full powers for settling and signing the present Capitulation, have agreed upon the faithful and entire execution of the above measures.

FERNANDO DE LA VERA Y PANTOJA.
TOMAS DE MORLA.
ALESANDRO.

Imperial Camp at Madrid, the 4th of Dec. 1808.

SPAIN.

[*FROM THE PATRIOTIC PAPERS.*]

PROCLAMATION OF THE SUPREME CENTRAL JUNTA,

Published at St. Mary's and Cadiz, on the 23d Dec.

"Spaniards, the hired emissaries of the tyrant, which the design of misleading you, and bringing the Supreme Governing Junta of the Kingdom into disrepute, spread reports that the latter have approved the capitulation of Madrid. This sovereign body feel it to be their duty to contradict rumours, the object and tendency of which is to sow distrust between the Government and the People, to produce general discouragement and anarchy, and to expose to contempt the sacred oath of your Representatives.

"Spaniards, the Supreme Junta, whose motto is 'Death or Liberty,' are far from approving of the capitulation of any town. That which recognizes the Usurper, and submits to the law of the Tyrant, is not Spanish—it is an enemy. These are the sentiments of the Supreme Junta—sentiments which they will never belie, in word or deed; and whatever you may be told by the partisans of despotism, those vile wretches who sacrifice to a miserable self-interest the sacred rights of their country, be assured that their reports are calumnies—snares laid for you by the Tyrant, to entangle you in the mazes of his infernal policy. The country you have sworn to defend, the religion wherein you have sworn to die, the spouses and offspring you have sworn to protect, a captive King whom you have sworn to rescue—all demand the fulfilment of your promise.

"And ye, brave inhabitants of Madrid, who refused your assent to a shameful capitulation, and rising superior to others invested with command, and even to yourselves, preferred death to misery and slavery, persevere in your generous resolution. The momentary occupation of the buildings of the city by the enemy is of no importance, whilst they are not masters of your hearts. Continue to resist them in the very bosom of your families; place no confidence in their deceitful professions; reflect that to every people they have promised happiness, and all they have plunged into misery. The Junta, who watch over your destiny, will cause numerous reinforcements to march to that unfortunate capital. They have not forgotten you; no! keep alive your hopes, retain your bravery and firmness, and your deliverance will be the more glorious, as the danger you have encountered has been great."

FROM THE AMERICAN PAPERS.

SENATE, MONDAY, NOV. 21.

EMBARGO.

This being the day fixed for the discussion of the following Resolution offered by Mr. Hillhouse:—

Resolved, That it is expedient that the Act, intitled "An Act for laying an Embargo on all Ships and Vessels in the Ports and Harbours of the United States;" and the several Acts supplementary thereto, be repealed, and that a Committee be appointed to prepare and report a Bill for that purpose.

Mr. Hillhouse opened the debate, which continued untill a late hour, when the House adjourned.

NOV. 22.—The Senate resumed the consideration of Mr. Hillhouse's Resolution. Several Members spoke at length.—Debate adjourned.

NOV. 25.—The further consideration of Mr. Hillhouse's

motion for a repeal of the Embargo was adjourned to Monday.

Dec. 2.—The Senate resumed the consideration of the motion to repeal the several Embargo Laws; and,

On the motion of Mr. Reed, to refer the said motion to the Committee appointed on the 11th ult. to whom was referred so much of the President's Message as relates to the several Embargo Laws, it was determined in the negative—Yeas 5—Nays 26.

On the question to agree to the original motion, it was determined in the negative—Yeas 6—Nays 25.

THE EMBARGO.—NON-IMPORTATION.

Report of the Committee to whom was referred so much of the Message of the President of the United States as respects our Foreign Relations, more particularly its Commercial Relations.

The Report begins with a retrospective view of the state of America for a period of 25 years, down to the critical situation in which she is now placed; and after laying down the principles of the law of nations which have hitherto prevailed, and the manner in which they are now infringed both by England and France, the Report proceeds:—

"The only plea urged in justification of those hostilities is, that of retaliation, grounded on a presumed acquiescence of the United States in previous aggression by the other party. Waving a discussion of the correctness of the principle of retaliation, a principle doubtful in itself, and altogether inadmissible to the extent to which it has been carried, and when operating on the neutral rather than on the enemy,—it is altogether untrue that the United States have ever voluntarily acquiesced in the unlawful aggressions of either nation; omitted or delayed any measure calculated to obtain redress, or in any respect deviated from that impartiality to which they were bound by their neutrality. France has alluded to the violation of the national flag, and of the Sovereignty of the United States, in the instance of Pierce's murder, of the outrage upon the Chesapeake, and of the destruction of the Impetuous. The measures taken to obtain redress in those cases are of public notoriety, and it may be added, that with the exception of the last, those aggressions on the sovereignty of the United States did not affect their neutrality, and gave no right to France either of complaint or interference. Setting aside irregularities of less importance and equally chargeable to both nations, such as the British Order of June, 1808, and the Decree of the French General Ferrand,—the principal violations by England of the neutral rights of America, prior to the Berlin Decree of Nov. 1806, and which, if acquiesced in, might have given ground of complaint to France, are the capture of American vessels laden with colonial produce, founded on a renewal of that pretended principle generally called "the rule of 1756," the impressment of American seamen, compelled thereby to become the auxiliaries of England against France, and proclamation of nominal blockades, particularly that of the coast from the river Elbe to Brest, notified in May, 1806.

"It will not be asserted that the United States ever tamely acquiesced in either of those pretensions. It will not be denied, that with respect to the two first, the most strenuous efforts were incessantly made to procure an alteration of the British system.

"It is true, that to the nominal proclamation blockades of England, the United States had opposed only spirited and repeated remonstrances, and that these had not always been successful. But the measures which a neutral nation may be supposed bound to take against the infraction of its neutrality, must always bear a certain proportion to the extent and nature of the injury received, and to the means of opposition. It cannot certainly be pretended that a hasty resort to war should in every such instance have become the duty of America. Nor can the irregularities of England, in declaring in a state of blockade a certain extent of coast, part of which was not, and the whole of which could not, even by her powerful navy, be actually invested and blockaded, be pleaded in justification of that Decree, in which France, without an efficient fleet, pretends to announce the blockade of the dominions of a Power, which has the incontestible command of the sea, and before no port of which she can station a single vessel.

"The Milan Decree of 1807 can still less rest for its defence on the supposed acquiescence of the United States in the British Orders of the preceding month, since those orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree. And it is proper here to add, that the French have, particularly by the sequestration of vessels in their ports, and by burning our vessels on the high seas, gone even beyond the tenor of their own extraordinary edicts.

"The allegation of an acquiescence in the Berlin Decree of November 1806, by which alone the British Government pretends to justify the Orders in Council, is equally unfounded. In the note on that subject, addressed on the 31st December 1806, by the British Government to the American Ministers, after having stated that "they could not believe that the enemy would ever seriously attempt to enforce such a system," the following declaration is expressly made:—"If, however, the enemy should carry these threats into execution, and if neutral nations, contrary to all expectations, should acquiesce in such usurpations, his Majesty might be compelled, however reluctantly, to retaliate in his just defence," &c. The two requisites necessary in the opinion of Great Britain, to justify retaliations, are stated to be, the execution of the Decree, and the acquiescence of neutral nations. Yet, within eight days after, and in the face of that declaration, without waiting for ascertaining either of these facts, the retaliating British Order of January 9th, 1807, was issued, which, contrary to the acknowledged law of nations, subjected to capture vessels of the United States sailing from the ports of one belligerent to a port of another belligerent."

The Report then sets forth the steps taken by America, in consequence of the Decrees of France and the Orders in Council of England, with this acknowledgment, that on the 12th November, 1807, the American Minister at Paris presented a spirited remonstrance against that infraction of the neutral rights of the United States. He had in the meanwhile, transmitted to America the instruction to the Council of Prizes of the 8th of September. This was received on the —— of December; and a copy of the decision in the case of the Horizon having at the same time reached Government, the President, aware of the consequences which would follow that state of things, communicated immediately to Congress the alteration of the French Decrees, and recommended the Embargo, which was accordingly laid on the 22d of December, 1807, at which time it was well understood in this country, that the British Orders in Council of November preceding had issued, although they were not officially communicated to our Government.

The Report next descants on the various modes in which the Orders in Council affect the commercial interests of America, and compares the injuries resulting from the latter with those arising from the French Decrees. It then acknowledges the alternative is painful; it is between a continued suspension of commerce and war with England and France. But the choice must ultimately be made between the two; and it is important that we should be prepared for either the one or the other.

The Committee concluded their Report, by submitting the following Resolutions, which have been agreed to in Congress by large majorities.

1. Resolved, That the United States cannot without a sacrifice of their rights, honour, and independence, submit to the late edicts of Great Britain and France.

2. Resolved, That it is expedient to prohibit by law the admission into the ports and harbours of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the Belligerent Powers having in force Orders or Decrees violating the lawful commerce and neutral rights of the States; and also the importation of any goods, wares, or merchandize, the growth, produce, or manufacture of the dominions of any of the said Powers, or imported from any place in the possession of either.

Resolved, That measures ought to be immediately taken for placing the country in a more complete state of defence.

IRELAND.

DUBLIN, JAN. 3.—For some days back, rumours of an unpleasant nature have been afloat here. It is said that a new organization of the lower classes, for political purposes, is again on foot, and that seditious meetings have been held both in this capital and in the county Kildare. Though reports such as these ought to be received with great caution, yet to overlook them altogether would betray more temerity than wisdom. We cannot forget that the insurrection of 1803 burst forth like a hidden volcano, in the midst of the most perfect tranquillity, and that from that hour to this, a period of near six years, nothing has been done to allay the discontents, or to remove the grievances of this unfortunate country. On the other hand, those rumours may have originated in a very different cause, and have been propagated for a different purpose. The Commission for inquiring into Prison Abuses has given but little satisfaction.—The several persons formerly confined as State Prisoners having entered a protest against it being a close Court, and declined giving evidence before it, have, it is understood, frequently met since, in order to prepare a petition to Parliament, and a more detailed statement of their grievances. Those meetings have of course been viewed with a jealous eye, by a certain party here; and may have been artfully laid hold of, by those whom they charge with cruelty and oppression, in order to alarm the public mind, and basely stifle inquiry. It matters not which of these suppositions be true; in either case, the Government should be vigilant. Let not the Executive be absentee, as well as the Legislature. If the services of Sir Arthur Wellesley are required at the head of our armies, send us in his room some person who does not possess his universality of talent, who is a mere Statesman and not a General; but above all—send us a person who has at least some knowledge of our political situation. A few weeks since, the Duke of Richmond being on a shooting party in the North of Ireland, Sir Arthur Wellesley attending the Court of Inquiry at Chelsea, and Sir Charles Saxton also absent in England, in consequence of his father's death, the whole weight of Government was suffered to rest, for a considerable time, on the shoulders of Sir Edw. Littlehales;—and this in a country where the military have been greatly reduced by our expeditions to Spain; where the Gentlemen of landed property have mostly ceased to be resident, which is the case since the Union; and where, in many extensive tracts, there is none, except the middle man, the tax-gatherer, and the land-agent, to restrain a peasantry, believed, on your side of the water at least, to be ripe for any mischief.

PROVINCIAL INTELLIGENCE.

A shocking affair happened on Thursday se'nnight at Dowgate chalk-pit, near Welling, Buckinghamshire. Fourteen men were at work in the pit, which is 100 feet deep, when an impending cliff gave way, and buried seven of them, with two carts and four horses. Three of the men were dug out on the same day, two of whom were unhurt, and the other dead, and three others were extricated in the course of the night, one of whom died afterwards; the seventh man was protected by a cart, and is unhurt. The horses, although not killed, were rendered useless.

On Friday se'nnight, Mary Bateman was examined at the Town Clerk's Office, Leeds, before the Magistrates of that borough, on the charge of murder, by wilfully administering poison to Rebecca Perigo, wife of William Perigo, of Bramley, near that town, in the month of May, 1807. The particulars of this transaction we have already laid before the public. After a long examination, she was committed to York Castle, to take her trial at the next assizes, on the charge of wilful murder.

On Wednesday se'nnight, the following distressing accident occurred at Hull. A child of Mr. Lawson, grocer, in the Market-place, a fine girl of about five years old, which from her infancy had been unable to move from her chair without help, had been left at a considerable distance from the fire, by one of her sisters who had gone out to buy her some comfits. During her absence the family were alarmed by shrieks, and upon coming up stairs, found the poor child with its cloaths in flames, and before they could be extinguished she was so shockingly burnt, that she did not survive more than three or four hours. The cause of this melancholy accident is unknown, but it is supposed, although the fire was guarded by a very large and close-wrought fender, to have arisen from a spark which had flown from it upon her clothes.

On Saturday se'nnight, as Mr. Daniel Huddy, farmer, of Ladock, was returning from Truro market, between ten and eleven o'clock, he was stopped about a mile out of Truro, on the St. Austell Road, by a dragoon from Truro Barracks, who, after striking him several blows with a stick, got him off his horse, and robbed him of 16l. On Sunday morning it was found that a dragoon, named Smith, had deserted from Truro Barracks. He was traced to Helston, at Portleaven (a village about two miles beyond that town), and was found disguised in a sailor's dress. The serjeant who had been sent in pursuit of him, attempted to take him. He resisted, and in the scuffle the serjeant's pistol went off, and shot Smith in the abdomen. He has since died of the wound. Previous to his death, however, he confessed himself the man who had attacked and robbed Mr. Huddy; and exonerated Parsons, another dragoon, who had in the mean time been taken up and examined before the Magistrates at the Town-hall in Truro.

Mrs. Beck, a lady who resides at Paddinghoe, in Sussex, and is in her 96th year, has now actually living within a short space round her house, of children, grand, great, and great-great-grand-children, no fewer than *one hundred and ten!*

The total of Game killed at Holkham, by Mr. Coke, and seven other gentlemen, in 15 days from Oct. 31, to Nov. 17, was 1131 hares, 245 pheasants, 360 partridges, 983 rabbits, 30 woodcocks, 12 wood-pigeons, 8 snipes—total 2862.

TUESDAY'S LONDON GAZETTE.

Downing Street, Jan. 10, 1809.

Dispatches, from which the following are extracts, were, on the 8th inst. received at the Office of Lord Viscount Castlereagh, one of his Majesty's Principal Secretaries of State, from Lieut.-Gen. Sir J. Moore, K. B. Commander in Chief of his Majesty's Forces employed in Spain.

Benevente, Dec. 28, 1808.

Since I had the honour to address you upon the 16th, from Toro, the army has been almost constantly marching through snow, and with cold that has been very intense. The weather, within these few days, has turned to rain, which is much more uncomfortable than the cold, and has rendered the roads almost impassable. On the 21st the army reached Sahagun; it was necessary to halt there in order to refresh the men, and on account of provisions. The information that I received was, that Marshal Soult was at Saldana, with about 16,000 men, with posts along the river from Guarda to Carrion.

The army was ordered to march in two columns at eight o'clock on the night of the 23d, to force the bridge at Carrion, and from thence proceed to Saldana. At six o'clock that evening, I received information that considerable reinforcements had arrived at Carrion from Palencia, and a letter from the Marquis de la Romana informed me that the French were advancing from Madrid either to Valladolid or Salamanca. It was evident that it was too late to prosecute the attempt upon Soult, that I must be satisfied with the diversion I had occasioned, and that I had no time to lose to secure my retreat.

The next morning Lieut.-Gen. Hope, with his own division and that of Lieut.-Gen. Fraser, marched to Majorga. I sent Sir D. Baird with his division to pass the river Valmira, and followed Lieut.-Gen. Hope on the 25th with the reserve and the Light Brigades, by Majorga, Valderas, to Benevente. The cavalry under Lord Paget followed the reserve on the 26th; both the latter corps entered this place yesterday. We continued our march on Astorga. Generals Hope and Fraser are already gone on; Sir D. Baird proceeds to-morrow from Valencia; and

I shall leave this with the reserve at the same time; Lord Paget will remain with the cavalry to give us notice of the approach of the enemy; hitherto their infantry have not come up, but they are near, and the cavalry is round us in great numbers; they are checked by our cavalry, which have obtained by their spirit and enterprise an ascendancy over that of the French, which nothing but great superiority of numbers on their part will get the better of.

The diversion made by our march to Sahagun, though at great risk to ourselves, has been complete; it remains to be seen what advantage the Spaniards in the South will be able to take of it; but the march of the French on Badajoz was stopped when its advanced guard had reached Talaveira de la Reine, and every thing disposeable is now turned in this direction.

The only part of the army which has hitherto been engaged with the enemy, has been the cavalry, and it is impossible for me to say too much in their praise. I mentioned to your Lordship in my letter of the 16th, the success Brigadier-General Stewart had met with in defeating a detachment of cavalry at Rueda. Since that, few days have passed without his killing or taking different parties of the French, generally superior in force to those which attacked them. On the march to Sahagun, Lord Paget had information of six or seven hundred cavalry being in that town. He marched on the night of the 20th from some villages where he was posted in front of the enemy at Majorga, with the 10th and 15th Hussars. The 10th marched straight to the town, whilst Lord Paget with the 15th endeavoured to turn it. Unfortunately he fell in with a patrol, one of whom escaped and gave the alarm. By this means the French had time to form on the outside of the town before Lord Paget got round. He immediately charged them, beat them, and took from 140 to 150 prisoners, amongst whom were two Lieutenant-Colonels and eleven officers, with the loss on our part of six or eight men, and perhaps 20 wounded.

There have been taken by the cavalry from 4 to 500 French, besides a considerable number killed; this since we begun our march from Salamanca. On his march from Sahagun, on the 20th, Lord Paget, with two squadrons of the 10th, attacked a detachment of cavalry at Majorga, killed 20, and took above 100 prisoners. Our cavalry is very superior in quality to any the French have; and the right spirit has been infused into them by the example and instruction of their two leaders, Lord Paget and Brigadier-Gen. Stewart.

Astorga, Dec. 31.

I arrived here yesterday. Major-Gen. Fraser, with his division, will be at Villa Franca this day, and will proceed on Lugo. Lieut.-Gen. Hope, with his division, stopped yesterday two leagues from this, and proceeds this morning, followed by Sir D. Baird. The two flank brigades go by the road of Penferada. I shall follow, with the reserve and cavalry, to Villa Franca, either this night or to-morrow morning, according as I hear the approach of the French. The morning I marched from Benevente, seven squadrons of Bonaparte's Guards passed the river at a ford above the bridge. They were attacked by Brigadier-Gen. Stewart, at the head of the piquets of the 18th and 3d German light dragoons, and driven across the ford. Their Colonel, a General of Division, Lefebvre, was taken, together with about 70 officers and men.

The affair was well contested. The numbers with which Brigadier-Gen. Stewart attacked were inferior to the French; it is the corps of the greatest character in the army; but the superiority of the British was, I am told, very conspicuous. I enclose, for your Lordship's satifaction, Lord Paget's Report of it.

Benevente, Dec. 29.

Sir—I have the honour to inform you, that about nine o'clock this morning I received a report that the enemy's cavalry was in the act of crossing the river near the bridge. I immediately sent down the piquets of the night, under Lieut.-Colonel Otway, of the 18th. Having left orders that the cavalry should repair to their alarm posts. I went forward to reconnoitre, and found four squadrons of Imperial Guard formed and skirmishing with the piquets and other cavalry in the act of passing. I sent for the 10th hussars, who having arrived, Brigadier-Gen. Stewart immediately placed himself at the head of the piquets, and, with the utmost gallantry, attacked. The 10th hussars supported in the most perfect order.

The result of the affair, so far as I have yet been able to collect, is about 30 killed, and 25 wounded, 70 prisoners, and about the same number of horses.

It is impossible for me to avoid speaking in the highest terms of all those engaged. Lieut.-Colonel Otway and Major Bagwell headed the respective night piquets. The latter is slightly wounded. The utmost zeal was conspicuous in the whole of my Staff; and I had many volunteers from Headquarters, and other officers of your army. Amongst the prisoners is the General of Division Lefebvre (who commands the cavalry of the Imperial Guard), and two Captains. Our loss is, I fear, nearly 50 men killed and wounded. I will send a return the moment I can collect the reports. I have the honour to be, &c. Paget, Lieut.-Gen.

To Lieut.-Gen. Sir J. Moore, K. B.

I have forwarded the prisoners to Baniza. On the other side of the river the enemy formed again, and at this instant three guns of Capt. Donovan's troop arrived, which did considerable execution.

BANKRUPTS.

J. Douglass, Loughborough, Leicestershire, merchant, to surrender Jan. 17, at four, 19, Feb. 21, at twelve, at the Blue Bell Inn, Leicester. Attorney, Mr. Bond, Leicester.

S. Rogers, Chepstow, Monmouthshire, stationer, Jan. 30, at four, 31, Feb. 21, at eleven, at the Union Tavern, Birmingham. Attorney, Mr. Wheatley, Birmingham.

R. H. Wilson, Wakefield, Yorkshire, factor, Jan. 17, at four, 19, Feb. 21, at the Blue Bell Inn, Leicester. Attorney, Mr. Lawton, Leicester.

W. Barlow, Stockport, Cheshire, timber-merchant, Jan. 16, Feb. 1, 21, at twelve, at the Red Lion Inn, Heaton-Norris. Attorney, Mr. Linguard, Heaton-Norris.

G. Lockwood, Huddersfield, Yorkshire, woollen-draper, Feb. 3, 4, 21, at three, at the Spread Eagle Inn, Manchester. Attorney, Mr. Taylor, Manchester.

J. Anderson, Stockport, Cheshire, draper, Jan. 27, 28, at ten, at the White Swan Inn, Huddersfield. Attorney, Mr. Battye, Huddersfield.

T. Frost, Leadenhall-street, stationer, Jan. 20, 24, Feb. 21, at eleven, at Guildhall. Attornies, Messrs. Evitt and Rixon, Haydon-square, Minories.

DIVIDENDS.

Jan. 7. W. Cowperthwaite, Old Fish-street, London, grocer.—Feb. 1. H. H. Shorey, Halifax, merchant.—Jan. 31. J. Smith and A. Unsworth, Manchester, cotton manufacturers.—Feb. 7. T. Adams, Lancaster, merchant.—Jan. 31. Wm. Matthews, Maidenhead, Berkshire, carpenter.—Feb. 4. J. and J. Reppon, Clapham, Surrey, dealers in coals.—Feb. 25. R. Loat, Long-Acre, ironmonger.—Feb. 28. J. Jullion, Blackman-street, Southwark, linen-draper.—Feb. 25. W. Leykauff, Lisle-street, Leicester-square, engraver.—Feb. 8. T. Lawson, Lancaster, grocer.—Feb. 3. J. Popplewell, Kingston-upon-Hull, auctioneer.—Jan. 31. P. Le Normand, and H. H. Dornant, Kent-road, soap-manufacturers.—Jan. 30. J. Horner, Framwellgate, Durham, tanner.—Feb. 2. D. Kidd, Berwick-upon-Tweed, linen-draper.—March 4. W. N. Dawson, Tabernacle-square, Middlesex, draper.

CERTIFICATES—Jan. 31.

W. Wyatt, Duke-street, Aldgate, plumber.—J. Hutchinson, Tooley-street, Southwark, brewer.—W. Cuff, Upper East Smithfield, cheesemonger.—J. Crowther, Barkisland, Yorkshire, corn-dealer.—J. O'Meagher, Bury-court, St. Mary-Axe, provision-merchant.

Sir George Smith is gone on a mission of importance to Cadiz.

Monday night an order was sent from the Admiralty to Admiral Cotton, requiring his attendance in town.

SATURDAY'S LONDON GAZETTE.

Admiralty-Office, Jan. 14, 1809.

Copy of a letter from Charles Gill, Esq. Commander of his Majesty's sloop Onyx, to the Hon. W. W. Pole, dated Hull Roads, Jan. 10, 1809.

SIR,—I beg leave to inform you, for the information of my Lords Commissioners of the Admiralty, that on the morning of the 1st inst. at daylight, when in lat. 53. 30. long. 3. we discovered a strange brig on the lee bow, standing to the southward, on which we made the private signal. She immediately shewed Dutch colours, and hove to, as if prepared for battle. We kept our wind until eight o'clock, when, being perfectly ready, we bore down, and brought her to close action. The enemy attempted several times to rake us, but, from our superior sailing, we were enabled to foil every attempt. At half past ten she struck her colours, being much cut up in her sails and rigging, and having most of her guns disabled by the superior fire kept up by the Onyx, which, considering the very heavy sea, displayed a cool and steady conduct, by far beyond any thing I could expect from so young a ship's company, and merits my warmest commendations. She proved to be the Dutch national brig Manly, formerly British, and captured by the Dutch in the river Ems. She mounts 12 18-pounder carronades, and four long brass 6-pounders, with a complement of 94 men; commanded by Capt.-Lieut. J. W. Heneyman, of the Dutch navy.—I am happy to say our loss is much more trifling than might be expected from so long and close a conflict, which can only be accounted for by the very heavy sea running the whole of the time, having only three wounded, and the enemy five killed and six wounded.

I feel more pleasure in announcing her capture, as she sailed from the Texel, in company with another brig, for the sole purpose of annoying and intercepting our trade with Heligoland. She has made one small capture from Embden, laden with oats, supposed to be for England.

I beg leave to recommend to their Lordships' notice my 1st Lieut. Mr. E. W. Garrett, who is an old and deserving officer, and to whose advice and assistance I feel much indebted; also Mr. W. Trewren, the 2d Lieutenant, who is a deserving good officer, and to whose zeal and activity the service is much indebted. I cannot pass over in silence the assistance I received from Mr. G. D. Louis, Acting Master, whose exertions in manœuvering the brig, so as to completely foil the enemy's schemes to rake, evinced a great display of professional skill, and whose conduct the whole of the time was highly meritorious, as well as that of Mr. Z. Webb, the Purser, who volunteered his services in the direction of the small-arm men and Marines. I have, &c. CHAS. GILL.

A LIST OF KILLED AND WOUNDED.

Onyx, 10 Guns and 76 Men.

None killed.—T. Smith, seaman, badly wounded. J. Harlow, (1) slightly wounded. J. Langworth, boy, badly wounded, since dead.

Manly, 16 Guns and 94 Men.

5 killed and 6 wounded.

[This Gazette also contains accounts of the following captures:—The French schooner Confiance, of 7 guns and 10 men, by the Bellette, Capt. Saunders;—and the Danish cutter Paulina, of 10 guns and 42 men, by the Magnet sloop, Captain Morris.]

BANKRUPTCIES ENLARGED.

W. Dean, Kenton-street, Russell-square, shopkeeper, from Jan. 14, to March 4, at ten, at Guildhall.—G. and A. Remington, Oxford-street, cabinet-makers, from Jan. 14 to Jan. 19, at ten, at Guildhall.

BANKRUPTS.

S. Ralsbick, Idle, Cleverly, Yorkshire, clothier, to surrender Jan. 27 and Feb. 25, at eleven, at the Sun Inn, Bradford. Attorney, Mr. Crosley, Bradford.

J. [illegible], Feb. 3, 4, 25, at one, at the [illegible], Attorney, Mr. Woods, Liverpool.

W. Sampson, Liverpool, flour-dealer, Feb. 2, 3, 25, at twelve, at the George Inn, Liverpool. Attorney, Mr. Forrest, Liverpool.

S. Kinder, Heafield, Derbyshire, clothier, Jan. 30, 31, Feb. 25, at eleven, at the White Hart, Leicester. Attornies, Messrs. Jackson and Judd, Stamford.

H. Jefferys, Melcomb-Regis, Dorsetshire, linen-draper, Jan. 21, 31, Feb. 25, at ten, at Guildhall, London. Attorney, Mr. Syddall, Aldersgate-street, London.

W. German, Bristol, tiler, Jan. 27, 28, Feb. 25, at eleven, at the Bush Tavern, Bristol. Attorney, Mr. Cooke, Bristol.

H. Budden, Little Chapel-street, Westminster, carpenter, Jan. 21, 28, Feb. 25, at twelve, at Guildhall. Attorney, Mr. Lutkow, Wardrobe-place, Doctor's-Commons.

T. Fraser, Wells-street, St. Mary-le-bone, coach-spring-manufacturer, Jan. 17, 28, Feb. 25, at ten, at Guildhall. Attorney, Mr. Pinero, Charles-street, Cavendish-square.

E. Glazier, Lea-bridge, Middlesex, publican, Jan. 21, 28, Feb. 25, at twelve, at Guildhall, London. Attornies, Messrs. Tebbutt and Shuttleworth, Gray's Inn-square.

DIVIDENDS.

Feb. 4. E. Coats, T. Massey, J. Hall, Horninglow, Stafford, brewers.—Feb. 10. J. Hartley, Kendal, Westmoreland, shoemaker.—Feb. 21. C. Bartlett, Cannon-street Road, stone-mason.—Feb. 4. D. Bloom, Trowse Millgate, Norwich, merchant.—Feb. 4. H. H. Harvey, Tokenhouse-yard, broker.—Feb. 4. G. Sprague, Topsham, Devon, rope maker.—Feb. 18. C. Ives, Coltishall, Norfolk, brewer.—Feb. 16. J. Lockwood, Beeston, York, dealer.—March 7. J. White, Craven-buildings, City Road, merchant.—Feb. 4. J. Bridger, jun. Mortlake, Surrey, tallow-chandler.—Feb. 4. T. Keirman, Gray's Inn-square, money-scrivener.—March 8. T. Middleton, Liverpool, cotton manufacturer.—Jan. 30. J. Mills, Wood-within-Saddleworth, York, dyer.—Feb. 7. J. Wilson and J. Sallows, Oxford-street, leather sellers.—Feb. 4. B. Bunn, London Wall, pawnbroker.—Feb. 4. J. Midgley, Leeds, grocer.—Feb. 28. E. Morgan, Noble-street, warehouseman.

CERTIFICATES—FEB. 4.

R. Motteram, Walsall, Stafford, victualler.—J. Weston, Pall-Mall, vintner.—J. Pink, Gravesend, house-carpenter.—J. Parkinson and J. Stork, St. Saviour's Church-yard, Southwark, hop-factors.—D. Isaac, Liverpool, slop-seller.—J. Birch and R. Robinson, Broughton Lodge, Lancaster, cotton spinners.—R. Williams, Bedwelty, Monmouth, shopkeeper.—J. B. Knight, Camomile-street, cordwainer.—C. W. Apthorp, Bridge-street, merchant.—W. Mason, Heartley Place, Kent Road, brandy merchant.

The CRITICISM on the MODERN DRAMATISTS will be commenced the first week, in which nothing prominent appears at the Theatres.

Mr. SCRIVEN'S Reply to "A CONSTANT READER," and a Letter on a new SUBJECT OF TAXATION, in our next.

The TITLE PAGE, PREFACE, and INDEX, for the last year's EXAMINER, are now ready for delivery.

PRICE OF STOCKS YESTERDAY.

Consols.....67 1/8 1/4 | Red. Ann. .....65 3/4 7/8.

THE EXAMINER.

LONDON, JANUARY 15.

WHENEVER there is bad news from Spain, the Court and City Papers have a very philosophic way of settling their feelings, by saying, either that it is not true, or if it is, it is *of no consequence*. The people of Spain, I dare say, think somewhat differently. But in truth, these papers are in the first instance ashamed to confess they

have prophecied badly, and in the second, they are angry at others for speaking the truth. It has been long ago settled that the people of Spain are unanimous, and that BONAPARTE is in great distress; but in the meantime it appears that Sir JOHN MOORE has been compelled to retire, not only because the French press upon him, but because the Spaniards do not assist him. I suppose, this is of no consequence to the main event. For shame, for shame, you who applaud consistency and sound feeling.

I have no wish to boast of discerning a probable event: if others boast of their fictions, facts will speak for themselves, and in a voice too to shake the world. But it is disgusting to see the lovers of truth, for truth's sake, accused of a thousand misrepresentations, when the accusers are contradicted by every day's experience. The conjectures which were hazarded in last Sunday's *Examiner*, so degradingly, I suppose, to the unanimous and English-loving Spaniards,—that Sir JOHN MOORE was in danger of being surrounded by the enemy, as well as of not receiving co-operation from the natives, and that his best safety would have been retreat, were confirmed by the very next day's intelligence, which stated that he had not met with co-operation, that he was commencing his retreat, that the enemy's infantry were near him, and that their cavalry had already *surrounded him in great numbers*. Now, where would have been the harm had the country in general and the Government in particular foreseen these events? If it was a libel on the Spaniards or the English to foresee them, it would have injured neither, on the contrary, it would have enabled the Government to have foreseen the necessity of other measures; and is preparation a crime, because BONAPARTE uses it? So is diligence then, so is genius, so is patronage of genius. What would the Papers obtain by making us all think well of the Spaniards and their "unanimity?" Was this charitable opinion of any service to Sir JOHN MOORE? Was he deceived by it, or was he not? One is tired of asking questions, that resolve themselves.

When it is found at last that Sir JOHN MOORE himself confesses his situation, *diversion* becomes every thing:—"it is true," they say, "we are retreating, but we have made a powerful diversion in favour of the Spaniards in the South."—In the *South!* What the North then, they begin to suppose is really gone? This is an awkward thing for "unanimity." But granting that there is the finest Spanish patriotism all over the South, what can be done there, when the whole unanimity of nine millions of Spaniards could not drive forty thousand Frenchmen beyond the Pyrenees? BONAPARTE, they imagined, had drawn all his forces from the interior to pursue the English, but according to the 20th Bulletin, with which the Ministry have favoured us, it appears that VICTOR, Duke of Belluno, is already with the whole of his corps, at Toledo, a principal city, 50 miles South of Madrid; and that LEFEBVRE, Duke of Dantzic, with the whole of his corps, and with the cavalry of MILHAUD and LASALLE near him, is at Talavera de la Reyna, 76 miles South-West. These corps are strengthened by each other's neighbourhood, and by their strong positions on the Tagus; and at the same time the enemy's cavalry is "clearing the roads to the borders of Andalusia." In the mean while, the Spanish Generals are either terribly suspected or grossly ill-treated: BLAKE has been superseded by ROMANA, who has done nothing; CASTANOS is suspected; CUESTA is suspected; MORLA is called a traitor even in England. But we are desired to look at the people, and not at the Generals. The Generals to be sure were once unanimous patriots and very great men; but that is nothing. Well, let us look at the people, if we can find them. Where are they? Who is their General? What are they doing? Why do they not rise up in the South, and exterminate the few thousands there? Why do they not march to Madrid, demolish BONAPARTE's fortifications, and seize his *one thousand five hundred carts of biscuit and brandy?* Can *nine millions of men* do not one of these exploits? I confess, with all the proper respect for the "illustrious individuals" who have served three masters, and for the thousands of unanimous patriots, who have signed a petition to the "benevolent" French Emperor, I can see no Southern sunshine in these prospects.

The Articles of the Capitulation of Madrid exhibit nothing peculiar, except that MORLA, with his *provisos for priests and placemen*, has obtained very favourable terms for the inhabitants.

The Ministry are now said to be about to invest the whole coast of Spain, and even of France, with floating armaments. This might have been something two months ago, but in the name of common sense, how can we invest the coast of Biscay, &c. in the winter time, or descend in armaments upon the coast when the ports shall have become French? Armaments will not preserve Spain now, whether they are floating or flying. We must fight BONAPARTE with his own weapons, with foresight, diligence, and the advancement of genius; and if we can get this good lesson, while we have justice on our side to prompt and inspire us, then, and then only, we shall have the advantage of him, at least on the defensive side: the offensive I am afraid is no longer in our power. Reform at home, and reputation abroad:—that should be our motto at present. But while we are internally feeble, and only outwardly strong, we fight like feverish men in a delirium and beat the air.

Our readers will find, under the American head, a full account of the Resolutions of the Embargo Committee to cut off all intercourse with the belligerent powers, and of the entire adoption of these proceedings by the Congress. I have already commented on the policy, moderation, and just right of this wise measure, which is more calculated to raise the American character than any one of their acts since the best times of WASHINGTON. It was the constant rule and advice of that sound practical reasoner never to interfere with the squabbles of the European States. The

Americans have adopted it; in spite of the clamours of merchants and the jostlings of stock-jobbers, they have walked out of the crowd to pursue their own peaceful occupations; and who shall hinder them? If they have no reason to fight against us, they have at least a right *not* to fight at all. Heaven grant that they may now have a little meditative leisure to "prune their wings," and grow a little polished both in the Senate and out of the Senate. I long to see some American books worth reading.

☞

It is reported that the King of SWEDEN has been compelled, at last, to shut his ports against British ships.

The private accounts from Spain fully corroborate the public details of the gallantry evinced by the British cavalry in their various skirmishes with the French. In every attack, they clearly proved their superiority, both in courage and discipline; and it cannot be doubted, that in this species of force the English are unrivalled. The French General LEFEBVRE, who was taken in one of these skirmishes, has arrived in England. He commanded the cavalry of the Imperial Guard, and when exchanged, can give his master a pretty good idea of what stuff British soldiers are composed. This Officer is not Marshal LEFEBVRE, Duke of Dantzic, as was reported; he is the General of Division who was repulsed before Saragossa by PALAFOX.—Such are the chances of war. A few days ago he was at Madrid, with a victorious army; now he is a prisoner at Reading. He observes a profound silence on military matters. He received two or three slight wounds before he surrendered.

JOHN WHITELOCKE.

A Correspondent writes thus:—"Read—Mark—Learn!—and restrain, if possible, your indignation.—Vide page 190 of the Court Kalendar, 1809, where you will find such a proof of favouritism, and not improbable through one of the common sewers of corruption which have already been brought into public view, in the *new* appointment, or rather continuation of the INSPECTOR GENERAL of RECRUITS (little more than a *sinecure at three guineas a day*), in the name and person of the very identical Lieutenant-General J. WHITELOCKE (now dubbed *Esquire*), who was by the sentence of a Court Martial, cashiered and dismissed his Majesty's Service; and farther, rendered INCAPABLE of holding any Military Commission or *Employment* under his Majesty. How far that has been carried into effect, or by what means it has been evaded, is deserving public investigation."—So far our Correspondent.—Is this a mistake of the printer of the Kalendar? Is it the same man, or one of his relations? Or what can it be?

AMERICA AND MR. COBBETT.

MR. EXAMINER,

I now address you for the first time; my feelings dictate to me; as such I shall not begin, as some do, with a pompous panegyric on yourself, which I should conceive a mere insult to your understanding. I cannot think such a man as I take the EXAMINER to be, could be influenced a jot, by beginning a letter, with telling him, he has shewn himself, in his animadversions, a candid Gentleman:—no, Sir, I must suppose you inserted the abusive letter of "AN AMERICAN," last Sunday, from the purest principles of impartiality, which impartiality will also get a place for an ingenuous answer.

When any one endeavours to confute a popular and respectable writer, at all events, he ought to use, for his weapons, argument and reason; without which, like the dogmas of religionists, he ends where he begun, and merely places the person he opposes in a more respectable light than before.

If this person who calls himself "AN AMERICAN," conceives the "*insane*" *Mr. Cobbett* to be wrong in his assertions, why not confute them? if they emanate from an inflamed imagination and injured intellect, there will be the less trouble in falsifying them. But for an obscure individual to come forward and attack Mr. Cobbett in so ungentlemanlike manner, (which he, sweet man, so much dislikes,) is but too much like the character he assumes, "AN AMERICAN." Every thinking man, who has read a Number of Mr. Cobbett's Register, has, I am sure, when he put it down, exclaimed, "This man, of all others, writes most reasonably; argues most forcibly; and judges most candidly!" The fact is, Sir, Mr. Cobbett knows the Americans better than any man in this country, and *much better* than they know themselves. An individual of a depraved heart never knows himself, the thing is impossible:—then we cannot wonder so much at your infuriated American Correspondent being in such a rage, and making such paltry attacks against a man who has shewn him his country in its true colours, as in a mirror. Mr. Cobbett, Sir, must expect such abuse, and cares, I am sure, very little about it, when it merely comes from "AN AMERICAN."—Telling a man an obvious though unpleasant truth, is wormwood; his anger is roused, and he considers himself insulted; (a case in point is now at your door;) but when a man is abused with lies, he thinks himself injured by a villain, and his rage is less, but his contempt is greater. I think it was Chesterfield who shrewdly observed, "That mankind is more apt to forgive an injury than an insult:" it is verified every day. I know Mr. Cobbett merely as I know you, or the French Emperor, by his public actions and character; but this I know, if any man deserves the thanks of his country, it is him. He who has, by his exertions and patriotism, befriended it so much; who has opened the eyes of every Englishman, and shewn the danger of the existing practices of a despicable nation, and a would-be philosopher; who has gloriously triumphed as the champion of his country's most valuable rights, without which, he knew full well, she would cease to exist as a nation; and has avowed his enmity to England's most subtile enemies. I am astonished, when I reflect on the chastisement (as I may call it,) he, as an individual, has inflicted on a people who so richly deserved it. What wonders may not a man of spirit and ability perform!

If ever proof was wanted to shew the absurdity of the ancient lawgivers opinion respecting party, the EXAMINER and *Cobbett's Register* have given it. Your Readers, I am sure, are of my mind, that the honour and liberty of the press, and the good of the country, is best secured by independent periodical publications such as I have just named. A peevish opposition to and railing at every measure of Government, is not what is wanted in this

country, it is merely being the marplot of every step taken against our enemies. The press, degenerate enough, God knows! to be essentially serviceable, ought to be of all things, first, the guardian and purifier of our Constitution; the applauder of good and opposer of bad measures of Government; it ought to inspire *a love of our own country in preference to others*; to exult in the glory of an Englishman rather than a foreigner. But, alas! it is all good or all bad, just which way the current runs. The EXAMINER and *Cobbett's Register*, I know, are not common Papers; let them be impartial,—let them be just,—let them support their country's good and the peoples' rights, and they will be as respectable and serviceable as they are convenient.—I am, Sir, your constant Reader and obedient Servant, AN ENGLISHMAN.

Swithin's-lane, Jan. 3, 1809.

FROM COBBETT's REGISTER, OF YESTERDAY.

LIBEL LAW.—When I was in London, a few days ago, a Number of the "*Satyrist*" was put into my hands. This work was mentioned, and a description of its authors was given, in pages 397 and 398 of the last volume of the Political Register. I then noticed their unjustifiable, their indecent and vile attack upon the wife and family of Sir Richard Phillips, and said, that I had been told, that they were a nest of *turned-off* half-starved authors. I now find that I was very correctly informed; but, in the Number, which I have last seen, there is something so very infamous, that I cannot forbear pointing it out for the reprobation of the public. The Editors inform their readers that Mr. Finnerty is *under prosecution for a libel* by the Attorney-General for having edited the pamphlet of Major Hogan. *Then* they proceed to state certain things against him, all calculated to render him an object of public hatred and scorn, and of course, *violently to prejudice against him those persons who may happen to be the Jury upon the trial*, than which, surely, nothing can well be more wicked. Not content with this, however, they assert, that he has *fled from the country*, thereby giving a hint to the Attorney-General, if he were so disposed, to cause the Gentleman accused to be arrested, and imprisoned until the trial. The bold and unqualified manner in which this assertion was made, led me to fear that it was true; but, upon inquiry, I found it to be false, and, since that inquiry was made, *I have seen Mr. Finnerty*, who was in town, I understand, all the while, and who was, as usual, engaged in his business, which is of a nature not to admit of his remaining within doors for any length of time. So that it is almost impossible that the falsehood should not have been wilful, and uttered with the malignant view above described.

"Heav'n has no curse like love to hatred turn'd,
"Nor Hell a fury like a woman scorn'd."

And, I hear, there are some *authoresses* engaged in this work, who though never scorned by men, perhaps, have been *scorned by the press*, a lover whose rejection they do not less sensibly feel. At any rate, whether proceeding from the pen of a scorned authoress, or from that of a scorned author, I think, it will be admitted, that nothing ever was more diabolical. So base an act to endeavour to excite, by known falsehoods, deliberately to sit down, and, by such means, excite a deep prejudice in the minds of those, on whose good or bad opinion, might depend the liberty or imprisonment of the person attacked. I have now had a pretty long intercourse with the press; but, except in America, I certainly never did meet with any thing so wicked and base as this. These vermin have, I find, long been attacking me, and I was shown, in London, several of their placards, against the walls, with my name in it. As the means of exciting curiosity, and of getting a few shillings, this might be well enough; nor am I, as far as relates to myself, at all disposed to blame them; leaving them to answer for their wilful falsehoods, I grudge them nothing that they can get by me, to whom they cannot possibly do any harm. But, Mr. Finnerty is less known; with him the case is different; and, therefore, for his sake, and for the sake of others, whom they may calumniate, I will just state to the reader, that they have, in the most unequivocal terms, and in the boldest manner, asserted, that I DESERTED from the army. Let the reader now peruse the following authentic documents, which were long ago published; and then I am sure he will want nothing more to satisfy him as to the degree of credit which is to be given to *any* thing which they assert,

"By the Right Hon. Major Lord Edward Fitzgerald commanding his Majesty's 54th Regiment of Foot, whereof Lieut.-General Frederick is Colonel.——These are to certify, that the bearer hereof, William Cobbett, Serjeant-Major in the aforesaid Regiment, has served honestly and faithfully for the space of eight years, nearly seven of which he has been a Non-commissioned Officer, and of that time he has been five years Serjeant-Major to the Regiment; but having very earnestly applied for his discharge, he, in consideration of his good behaviour, and the services he has rendered the Regiment, is hereby discharged.——Given under my hand and the seal of the Regiment at Portsmouth, this 19th day of December, 1791.

EDWARD FITZGERALD.

"*Portsmouth, Dec.* 19, 1791.—Serjeant-Major Cobbett having most pressingly applied for his discharge, at Major Lord Edward Fitzgerald's request, General Frederick has granted it. General Frederick has ordered Major Lord Edward Fitzgerald to return the Serjeant-Major thanks for his behaviour and conduct during the time of his being in the Regiment, and Major Lord Edward adds his most hearty thanks to those of the General."

Botley, Jan. 12, 1809.

THEATRICAL EXAMINER.

No. 39.

Mr. Young's merits considered.—His Macbeth compared with Kemble and Elliston.—His dagger-scene, scene after the murder, and banquet-scene.—His Gamester.—His only affectation.—Forcible instance of the difference between great and common actors in the management of the face and it's muscles.—Modern fine actors.—General character of Mr. Young.

COVENT GARDEN COMPANY, HAYMARKET.

IN Mr. KEMBLE'S absence the lesser stars are permitted to shine a little; and Mr. YOUNG has been endeavouring for some days past to exhibit the lustre of high tragedy. His performance of *Othello* is no criterion of his genius, for where the face of an actor is so obscured, more than half his powers are indistinguishable; and his *Hamlet*, which I have criticised in another place, is like all the other *Hamlets* of the day, deficient in various and powerful equability. The fine union of tragedy and comedy, which renders this character almost unattainable, renders it also no reasonable test of a man's peculiar talent in either department, for the

want of one of the two requisites will inevitably injure the effect of the other. A single bad concord, in a part so exquisitely harmonious, puts the whole out of tune. I have selected therefore from Mr. Young's various performances his *Macbeth* and his *Gamester*, the one as a criterion of his powers in loftier tragedy, and the other as their criterion in domestic.

Macbeth has been the touchstone of many an aspiring performer. It has been represented by all the *respectable* as well as great tragedians since the time of Shakspeare, was acted with this peculiarity and that peculiarity, with this good trait and that good trait, but has never been *altogether* attainable by any but the greatest actors, such as Garrick, Henderson, and if we are to believe the admiration of the best cotemporary writers, by Burbage and Betterton. These names have in fact become illustrious by the performance of this and other characters in Shakspeare. But Quin, and Mossop, Booth, Barry, and Mills, men still of some note, failed in the representation, some of them altogether, and all of them in some great requisite. It is the same in our day, because we have no great tragic actor, and I am much inclined to think, that the mere assistants of such a man as Garrick would make an alarming rivalry in these times with the best of our modern stage dictators. Mr. Young's *Macbeth* is a specimen, in one sense, of all his tragedy; it is free from every gross fault, but it is not distinguished by any great beauty. Kemble, who is excellent in all that there is of dignity in *Macbeth*, cannot forget, in the more impassioned scenes, those methodistical artifices of dropped eyes, patient shakes of the head, and whining preachments, which always do and ever will injure his attempts at heartfelt nature: and Elliston, who gives us so natural a picture of the noisy despair of the tyrant in the last scenes, wants all the deep thinking of the character in the former ones. Mr. Young therefore, in avoiding the two extremes, is more harmonious in his colouring, more skilful in the disposition of his lights and shades; but still he wants the occasional touches of both, and is altogether too sombrous. His apostrophe to the imaginary dagger was impressive, but it wanted, what I never saw given to it yet, a variety of countenance approaching to delirium; and he spoke it's first lines with his face turned away from *Duncan's* chamber door *directly toward* the side scenes: this appears to me an erroneous position: his face should at least have been a three-quarter one, for to give a most impassioned expression a profile only, except in cases which absolutely require it, is to cheat the audience of the full fancy of the scene. Mr. Young also in that passage,

> ——— a false creation
> Proceeding from the heat-oppressed brain,

should not have shortened the word into *oppress'd*. The language has suffered enough already from these contractions, and we should at least preserve all the metre we can in our great poet. The wonderful difference of effect between the proper and the familiar pronunciation of this single word in a line so full of harsh syllables will be evident to every body who reads it. The awful description of night,

> Now o'er the one half world
> Nature seems dead, &c.

particularly in which it raises the figure of murder moving towards his design like a ghost, was perhaps the best delivered passage in the whole performance: it was full of the solemnity, for which the lower tones of Mr. Young are so excellently qualified, and he managed to give a personal character to the idea of the ghost, by just rising slowly and shrinkingly as if preparing to glide, without precisely acting the description, which would have been unseasonable and unnatural. The scene between *Lady Macbeth* and her husband was grand and horrific, for how could it be otherwise when drawn by Shakspeare and sustained by Mrs. Siddons? But little can be said of Mr. Young, except that he did not absolutely spoil the effect of her performance. An actor in this scene must raise admiration, or he is a poor substitute for Garrick and Henderson. But only observe in all the passages which Mrs. Siddons shares with another, how singly she bears away the passionate acknowledgment of our feelings. The same individual prominence was observable in the banquet-scene, in which Mr. Young was still impressive, was as good as Mr. Kemble, if he pleases, but evidently had not the proper powers for a various and preternatural agitation. The imprecatory action of lifted arms with which he repulsed the ghost off the stage, according to custom, at that passage—

> Hence horrible shadow!
> Unreal mockery hence!

was too violent and dictatorial: it should have been accompanied with less decision of voice, with more horror and loathing. The concluding scenes were not more correct than the former ones, in point of powerful expression, except perhaps in that iron despair of countenance which seems best adapted to Mr. Young's rigid muscles. At the same time it is no dispraise to him, that his violence is not so good as his thoughtfulness. But we see how little is to be done, in any varying character, with only one or two tragic looks and feelings.

In the *Gamester* Mr. Young was more successful, because the character did not require so much variety; and in domestic tragedy, somewhat of passion is less necessary than in the poetical drama. If Mr. Young's manners are not exactly adapted to heroism, they are always those of the gentleman, and always of an *impressive manliness*; this impressiveness is the general character of his talent in every respect; and as *Beverley*, in his more peaceful moments, is nothing but a serious gentleman, and in his more passionate ones, is full of a monotonous despair, Mr. Young was enabled to exhibit his manners and his peculiar turn of expression to very great advantage. His prison scene was performed in a style worthy of the company in which he was acting, and upon the whole I think his *Beverley* superior to that of Mr. Kemble for one single reason, because it is less affectedly studious. His only affectation seems to arise from a laborious aim at correct enunciation, which induces him sometimes to use his masticating muscles like a person teaching a child to pronounce O and A, and he drops his mouth sometimes in this toilsome manner, as if, to use the very just expression of a Correspondent in this Paper, he was *champing* his words. This peculiarity, when you see his profile, exhibits a very droll and Quixotic gravity. I have been narrowly observing of late, and it never struck me more forcibly than in Mr. Young's performance of *Beverley*, that one very great cause of the common or contradictory expression in the countenances of modern tragedians, is the little use, and hardly any at all, which they make

of the lower part of the face. They open their mouths with astonishment, bite their lips with vexation, raise them with smiles, drop them with tears, and do all that any common actor can do, or perhaps a little more; but they never chase the expression about with fugitive variety; passion sets them or shakes them, but it does not scatter them; and with all their dreadful scenes and their dying scenes, I never saw a single performer who had the least idea of *convulsed* expression, but Mrs. Siddons. This single deficiency shews that they do not feel as they ought, and that they are not great performers. Even the beauties which they do occasionally shew, are in general mere copies of former actors: none of them invent like Garrick; the lower ones do not attempt innovation, and what the higher attempt is some miserable piece of pedantry as a substitute for genius. I do not say, that a good passage in acting of any kind should not be adopted from former actors; it may descend like an heir-loom for ever and do honour to it's users; but why preserve the easy passages only, the mere starts, stamps, and strides? Or why preserve only single expressions? Why not give us the variety, the combination, the ever-shifting genius? They have it not: they have not the power to *re-create*; they can only copy.

In short, Mr. Young's performances are certainly above what is now called mediocrity, that is, they are infinitely superior to what such actors as Henry Siddons or Brunton can do; and approach very near if not closely to Kemble; but when I consider the thousand varieties in which the true genius of acting consists, I form no standard by what is called the excellence of Mr. Kemble; I do not place perfect tragedy in a monotony however dignified, or in a feebleness of muscular expression, however disguised; I think of Garrick; I think of Mrs. Siddons; I think of the lightning which a true actor flashes from *all* corners of his mind and face, and of the thunder that follows such flashes and such only; and it is then, that Mr. Kemble becomes an actor of very contracted powers indeed; that Mr. Young, with less of his genius and fewer of his faults, becomes an actor of elegant mediocrity; and Messrs. Brunton and H. Siddons no actors at all. There is but one great tragedian living, and that is Mrs. Siddons.

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THE OPERA.

TO THE EDITOR OF THE EXAMINER.

Sir,—The performances at the King's Theatre having recommenced, I have renewed my correspondence with you under the idea that my remarks will be acceptable, as they have hitherto been favoured with insertion in your paper. The new opera of *Il Cappriciosa Pentita*, with which the theatre opened, has been since repeated every evening of performance; it's novelty consists chiefly in the appearance of Madame Collini, as the opera itself is on the same construction as every other *comic* opera and equally *serious* and uninteresting. Collini possesses a very rich and firm-toned voice, considerably resembling in quality that of Mad. D'Aunay, who appeared last season, but much more clear and powerful; and her action is more lively and vivacious than that of most of the comic performers who have lately appeared at this theatre, for it is a singular circumstance that the Italian comic actresses are generally remarkable for solidity of countenance and deportment, while the serious ones are extremely gay and risible. For striking instances we have only to remember Perini and Catalani. Madame Collini treads in the footsteps of the latter, and imitates her in gesture, voice and pronunciation, an imitation that only reminds us of the former to force us into disadvantageous comparisons. With very little execution she contrives to attract the attention of the audience by her expressive mode of singing, which is always pleasing, although never astonishing. The music of the opera is by Fioravante, and gives me no reason to alter the opinion I last season expressed of his talents; there is still the same monotony and the same repetition of hackneyed passages. All the flourishes and graces in the world will not please without solidity of composition, and are in vain employed to ornament such flimsy harmony;—one might as well attempt to work embroidery on a cobweb. Signor Puccitta, a composer lately arrived in England, has contributed a very pleasing song to this opera, but it will not be just to pass an opinion on his merits till more of his productions have appeared.

A new ballet has also been produced, called *Les Amours de Glauque, ou La Vengeance de Venus*, the invention of M. D'Egville, who has completely puzzled himself, and the audience much more, by endeavouring to relate in action a story of which he appears to have a very obscure idea, and which at the best is but an indifferent subject for a ballet. This piece introduces a variety of phenomena in the heavens, which would have confounded Newton himself, and threatened to overthrow the system of Copernicus. We have not only gods and goddesses ignominiously suspended in the air by ropes like malefactors at the Old Bailey, but clouds passing behind the sun, and the shadow of the sun itself upon the sky! What proofs are these of the bold originality of Mr. D'Egville's genius! Mons. Vestris made his first appearance in England in this ballet, and in some respects disappointed the expectations it was natural to form from a name so renowned. His figure is rather short and inelegant, and his countenance most ludicrously vacant; there is a considerable resemblance in his features to Braham, and his cheeks have all the toothachy protuberance of Mad. Dussek. In grace he is very deficient, and his chief attention appears to have been directed to execution, in which, and in which alone, he far surpasses Mons. Deshayes. M. D'Egville has been unfortunate in selecting the character of *Glaucus* for a dancer, as he was by no means calculated to shine in the art, being deficient in the necessary appendage of a pair of legs, as he is always represented with a body terminating in a fish's tail. Madame Angiolini, who appeared in the character of *Circe*, possesses a pleasing figure, an expressive countenance, and agility that render her fully competent to dance with Mon. Vestris. The music of the ballet is another specimen of the quackery of M. F. Venua, which I shall at present pass in silence, as I am afraid I have already extended my remarks to an unreasonable length.

H. R.

FINE ARTS.

BRITISH INSTITUTION.—PRIZE PICTURES.

*Those marked thus * have obtained the Prizes.*

A recent Correspondent truly said, that the premium of 60l. for the best painting, is unworthy of an Institution

professing liberally to promote British genius, and composed of some of the richest as well as highest titled persons in the land, with the Heir Apparent and Royalty itself at their head. But he should not have contrasted this pettiness with the enlarged and laudable spirit with which the French *Government* promotes French genius, for that is done at the expence of the French *nation*; while the expenditure of the British Institution is from the purses of a few *individuals* in their private capacities, and who have, on the whole, been generous in their patronage.* He should have contrasted the encouragement of the Arts by the French Government with the very *impolitic* apathy of the British Government. The excellence which the Arts have already reached in England, with but little assistance from its Government, while it proves the native vigour of its genius, shews what perfection they might attain, if they possessed the high advantage of national patronage. We hope some of the Members of this Institution who are connected with our Legislators, will endeavour to rouse them from this shameful torpor, and impress on their minds the sentiment of that great statesman CICERO, in which he argues the general union between works of utility and works of dignity and beauty.—"In plerisque rebus incredibiliter hoc natura est ipsa fabricata, ut ea quæ maximam utilitatem in se continerent, eadem haberent plurimum vel dignitatis vel sæpe, etiam venustatis."—*Lib.* 3. *de Oratore.*

The British Institution is in its infancy, some imperfection, therefore, must be attached to it; but from what even in this first stage of its existence it has done for the Arts, we may augur their high exaltation from its growing patronage. The prize pictures painted for it this year exhibit uncommon excellence in our youthful Artists, who are on the high road to the temple of fame.

The Red Cross Knight, from Spencer, W. HILTON, displays a lively imagination, great anatomical science, and a masterly feeling for the chiaro scuro and colour. We however regret that he has altogether concealed the face of his hero, the manly beauty of which would have strikingly contrasted the ugliness of the monster, and its expression of fearlessness, the monster's ferocity. "The face," says Sir J. Reynolds, "never should be hid, except to hide some thing disagreeable." Its light and shadow is chiefly painted on the simple but estimable principle of a highly polished ball, whose vivid light in the centre is gradually lost in surrounding depth of shade, and terminated by that which is less forcible. This central light on the dragon's head, the knight, and his horse, is well united to the surrounding depth of shadow by the decreasing glow of fire which issues from the mouth of the dragon, and as in the ball, is prevented from being a spot by qualified light and shade on the extremities of the canvass. This midnight darkness adds splendour and sublime horror to th strong light, and the dreadful scene performing in it. A dragon "fierce as ten furies, and terrible as hell," a "chimera dire," is endeavouring to seize the knight in his immense and horridly gaping jaws, which emit a profusion of fire, smoke, and venomous reptiles on the knight and his steed, whose terrors are evinced in his fallen position, his head shrunk between his shoulders, and his tail between his legs. The undaunted knight, in animated and repulsive action, wields heroically his shield and sword, at the monster, whose ugliness, most fancifully depicted, is enhanced by the beautiful colouring of its skin, which rivals the rainbow. Mr. Monk Lewis should study this "grisly terror;" he would then have as finished a monster as he could wish. The knight is excellently drawn, the colouring is rich and transparent, and the whole executed from a poetical enthusiasm worthy of the great poet who supplies the subject. We submit it to Mr. Hilton's judgment, whether the light on the dragon's head should not be a little taken down to give more value to that on the knight?

* *Imogen found at the Cave. G. DAWE.*—The defects of this piece are overbalanced by its beauties. There is a flatness in the general effect, from a monotony in the light and shadow, deficiency of breadth in the forms, and want of light to balance the figures, which therefore appear spotty. The colouring is heavy, especially in the figure of Imogen, where it should be characteristically delicate. The attitude of Belarius is a plagiarism from the grief-struck soldier in the President's famous "Death of Wolfe." With these exceptions, the piece is admirable for it's accurate drawing, and the expression of sorrow in the attitudes and faces of the youths who lament the supposed death of the innocent and lovely Imogen. It is a picture of delicate pathos.

Mr. COOKE, in his elegant little picture of *Cymon and Iphigenia,* has, in the open mouth of Cymon, his lolling tongue, smile of pleasure and surprize, and bent wrist, forcibly depicted the ideot, and the dawnings of his hitherto benumbed intellect. We think the character of the ideot is in a degree injured by the vigour with which he is made to stand, for the excess of mental imbecility always has a corresponding feebleness in the limbs; which Dryden has indeed in his Cymon made well proportioned but not vigorously employed.

Mr. MULREADY has surpassed all his former productions in his picture of the *Carpenter's Shop.* It has all the finish and identity of object so requisite in this class of painting and perfect perspective, with brilliancy of effect; but though his "Carpenter" is well enough, yet there is a clumsiness of form, and deficiency of character in the female, the reverse of which is looked for from her being the principal object.

Mr. G. JONES's Interior of a Devonshire Cottage possesses peculiar clearness and force, with a most spirited and indeed accurate representation of every object.

* *The Music Master. G. SHARPE.*—The Committee judiciously gave this Artist the prize, as candidate in the class of common life, because a work in every class is most estimable in proportion as it rises above inanimate nature and still life, and depicts the energies of mind. The other Candidates have little or nothing of the latter, but Mr. Sharpe has much of it, united with exquisite finishing and identification of the former. A boy is playing on a fiddle in presence of his tutor and a lady, who significantly expresses her disgust at the discordant sounds by a vehement burst of laughter, and by stopping her ears. The master, whose head is most delicately touched, is looking at the lady with concern at this disapprobation, and beating time with his hand, while the boy does it with his foot. All is simplicity, truth, nature; and almost the only exception to the piece is, that it reminds us a little too much of the "Enraged Musician," by Hogarth.

Landscape and Cattle. H. CHALON.—A chaste, lucid, and unexceptionable piece. Various objects in the fore-ground form the darkest mass of shadow, which is prevented from relieving harshly from the sky and middle-ground, by its gradation from solid depth on the right to an inferior one on the left, and by sunny lights which glitter on the tops of the objects. The second group of objects being partly in shade and partly in sun-shine, carries on the gradation of lessened force to the tenderer offscape in sunshine, and to the remote distance of blue tinted hills connecting the whole with the sky, which has a due relief from the rest by the tenderness of its gradations. The colouring is a most judicious intermixture of coldness and warmth. The silvery grey of the sky and the grey and greenish tones of the landscape are warmed and mellowed by yellow, sunny hues, and the browns and reds of the cows, &c. All the objects have their

* Some of the Members have shewn greater want of judgment than liberality. For instance, in giving may hundred pounds for a flower-piece by Hewlet, and suffering to remain unsold such sublime pictures as "Cicero at the tomb of Archimedes," and "Death on the pale Horse," by the President West, pictures that would do honour to the best age and country of painting. We lament to observe, that the relish of the Governors is chiefly in the lower departments of Art.

appropriate character. Cuyp himself has not exceeded Mr. Chalon's cattle. The piece is worthy of the best collection.

* *Landscape with Wood-cutters. T.* LINNEL.—Spirited marking with truth and nature as far as the Landscape goes; but it is an ill-chosen, barren subject, consisting of some felled and scanty trees, with three insipid peasants, one of whom is a giant in size. Why does this promising artist confine himself to such meagre subjects, and why has the Committee encouraged him in them by adjudging him the prize in preference to superior talent?

Scene in Scotland. G. ARNALD.—This is indeed a romantic and tasteful piece. A mass of sunny light illuminates the fore-ground among a picturesque assemblage of craggy hills, corn, cottage, sheep, rivulet and trees.—Beyond these, a solemn shade spreads across the piece on a grand cluster of lofty hills, covered with underwood, and surmounted by a lordly mansion. The rising perspective is bounded by still loftier hills lifting their blue heads into the sky, and the grandeur of the whole is heightened by large masses of clouds rolling in majestic volumes, some in deep shade, and some in glowing sunshine. The strong fore-ground light is connected with the balancing lights in the offscape and sky by a sunny light iradiating the edge of a hill and an elevated opening between hills. The blue of the sky is well qualified by some blue smoke in the centre of the piece and other cool tints; and thoughout the whole there is a most tasteful counterbalance of varying hues, and delicate gradafions, forming a chaste but very lively effect, and uniting with the beauty and grandeur of the objects to cast the mind into an agreeable, refined and solemn musing.

* *Mr.* GAHAGAN's *Sampson breaking the Bonds*, has deservedly obtained the prize in the class of Historic Sculpture. The figure of Dalilah is graceful, and her surprise strong. The Sampson has a few anatomical exceptions: he is in possession of but one set of the Glutei. His action is however very appropriate.

R. H.

NAVAL INTELLIGENCE.

A very gallant and severe action was lately fought by the Sandwich lugger. She fell in with a large French lugger, soon after four o'clock in the afternoon, off the Isle of Bas, which she engaged nearly two hours; and so close was the contest, that the enemy' main-sail caught fire two or three times, from the fire of the Sandwich: it was evidently the intention of the enemy to board, being full of men (it is supposed nearly 100), and for that purpose she ran her bowsprit between the Sandwich's fore and main-masts; but the brisk fire of round and cannister kept up by the brave crew of the Sandwich, prevented her accomplishing this design. At length she disengaged herself, and sheered off. The Sandwich pursued her, but the weather being dark and heavy, and the wind failing, she out with her sweeps, and made her escape. The long and brisk cannonade kept up by the Sandwich must have made great havoc among the enemy's crew, and it is certain she must have been so much shattered as to reach the shore with difficulty.—The Sandwich had one man killed and seven wounded; two of them so dangerously, that they are not expected to live. Lieut. Atkins, the brave commander of the Sandwich, received a ball in the upper part of his right arm, near the shoulder; the ball has been since extracted, and it is hoped he will do well. Mr. Phillips, the master, is dangerously wounded: a musket-ball entered his right breast, and passed out at his back. The first mate was wounded by a ball passing through his leg. The Sandwich mounts 14 guns, and had 50 men on board. She has arrived at Guernsey to refit.

LAW.

HICKS'S HALL, CLERKENWELL.

PERJURY.—THE KING *v.* BURDON.

The defendant was indicted for wilful and corrupt perjury, arising out of a cause in the Common Pleas, under the following circumstances:—The defendant was a money-lender, and had agreed with Browning, late High Bailiff of Westminster, for the purchase of an annuity of 400l. per annum, to be secured on Browning's place of High Bailiff, and his other property.—The sum stated as the consideration in the memorial was 2276l. Browning afterwards applied to the Common Pleas, to set aside the annuity, on the grounds that it did not set out the true consideration paid for the same. That he had agreed to give six years purchase for it, viz. 2400l.; but that Burdon kept back 100l. as insurance, and 26l. for his expences; and that instead of the annuity being for Burdon's life only, as agreed, he had inserted another life, namely, the additional life of his niece Mr. Burdon, in his answer to this affidavit, directly denied all the allegations, namely, that he had not kept back any money on the grounds alledged; that Browning had made no objection to the life of Miss Bourdon being inserted, and that the true consideration was only 2276l. as inserted in the memorial. For this affidavit he was now indicted, and those contradictions assigned as perjuries. To support the case of the prosecutor, himself and two other persons, a Mr. Gideon Fly, and a Mr. M. Hale, swore distinctly to the facts as stated for the defendant.

Mr. Serjeant SHEPHERD made a most able defence, and insisted, that Mr. Browning came to swear away his liability to pay the annuity, and that the other witnesses ought not to be credited. He then called an eminent Conveyancer, who proved that he had been consulted on Browning's securities, and he advised they were not valid; and Mr. Saul, the Attorney, denied the statement as sworn to by the prosecutor and his witnesses. Several persons of respectability also spoke to the good character of the defendant. The case lasted the whole day, and at a late hour the Jury found the defendant guilty.

OLD BAILEY.

Wednesday, Jan. 11.

Several prisoners were brought in to be arraigned, one of whom, and whose trial was fixed for the first, was *Michael Hayes*, the servant of a cow-keeper, for an abominable crime: but he entered the Court in such an apparent state of insanity (real or pretended), and uttered such a torrent of horrid imprecations against the Bench and the whole Court, that the learned Judge thought it fit to remand him for the present.

John Miles Simpson was tried on an indictment for stealing a great coat from the hall of Dr. R. Temple. It appeared that he came with a letter to the Doctor, and while the servant carried it up stairs, the prisoner, who waited in the hall, took the opportunity of stealing the coat which hung there. He was observed by the servant in the fact, and was instantly pursued and taken. The proof was palpable, the prisoner offered no defence; but in extenuation of his crime told a most affecting story. He said he had usually gained his livelihood by private tuitions; but that for a considerable time past his pupils had decreased, and he was finally left without any. He had a wife, with six small children, and had been obliged to pawn all her little property for their maintenance; until at last he was bereft of the common necessaries of life, and being involved in debt, was thrown into prison, where he remained in the most abject distress, until released through the humanity of a lady, who had been one of his pupils. In this situation, and totally without employment, his wife was delivered of a child seven weeks before her time, and in circumstances so wretched, as to be without the means of covering, were it not for the charity of a neighbour. At length, unable to bear the torture to his feelings of seeing his children starving for food, without the means of relieving them, he went into the street, and took this letter to Dr. Temple, to beg of him to visit his wife; when seeing the coat hanging in the hall, and urged by a sense of the misery of his starving children, the weakness of his mind could not resist the temptation, and he unfortunately committed a crime, from which, under any other circumstances, his soul would have shrunk with horror. The witnesses to his character, he said, did not attend, under an idea that his trial would not come on before the 14th.

Dr. Temple appeared in Court, and said he had yesterday received a letter from the prisoner, stating a similar story to that what he had just told.

Sir SIMON LE BLANC summed up the evidence, and the Jury found the prisoner guilty, but recommended him to mercy; of which recommendation the learned Judge said he should have the benefit, if, on enquiry, his story should prove true.

John Turnwell, alias *Jack the Baker*, was tried on a capital indictment, for having, with others, committed a burglary in the house of Lady Morton, in Park-street, Grosvenor-square, on the night of the 5th October last. The witnesses against this prisoner were the same as gave evidence against three of his accomplices last Sessions. He was found—Not Guilty.

Friday, Jan. 13.

John Nicholls was indicted for uttering a forged 5l. bank-note, with intent to defraud the Governor and Company of the Bank of England. The detail of the necessary evidence occupied the whole morning, but the facts of the case may be detailed in a short compass. On the 20th of December last, Vincent Alessi, an Italian, offered a bank-note in payment for two bottles of wine, to a person of the name of Taylor, resident in Holborn. The note, on inquiry, turned out a bad one, and Alessi was immediately taken into custody. He then disclosed that he purchased the note in question from the prisoner Nicholls, who resided at Birmingham; and the account he gave of the transaction was, that being at Birmingham, to buy plated goods, to carry with him to Spain, the person with whom he dealt produced a 1l. note, and asked him if he would buy any of those articles, and said he would introduce him to the maker. Accordingly in the evening he was introduced to the prisoner Nicholls, and he bought some notes of him. It was then agreed, if he wanted any more he was to write for them under the name of candlesticks. He added, that the prisoner had been in town, and sold him the note which he had tendered at his lodgings, at the Lemon Tree, in the Haymarket. In order to confirm the truth of this story, it was settled between the officers and him, that he was to write to the prisoner for a fresh supply, and to invite the prisoner to come to town with them, for which he offered him two guineas as the expence of his journey. He accordingly wrote for 20 candlesticks, No. 5, meaning 5l. notes, and two dozen ditto, No. 1, meaning 1l. notes. To this letter he received an answer that the prisoner was to be in town on a certain day. It was then further concerted that the officers should be in an adjoining room in waiting, from whence they could see through a hole in the partition, and as soon as Alessi had ascertained that the prisoner had got the notes about him, he was to put on his hat, as a signal to the officers. The prisoner arrived at the Lemon Tree as appointed, and Alessi met him in the club-room. Foy, the officer, and three of his comrades were ready planted in the adjoining room: Alessi and the prisoner entered into conversation, and on the appointed signal the officers rushed into the room and seized the prisoner. They secured him, and found 20 5l. notes, 24 of 1l. and 4 of 2l. all of which proved to be forged, and from the same plate. The whole of these facts were proved by Alessi, and confirmed by the officers and the other witnesses.—The Jury found the prisoner *guilty*.

Alessi was himself indicted, but the Bank offered no evidence against him, for the purpose of making him a witness against the prisoner.

POLICE.

ROW-STREET.

On Monday evening, between five and six o'clock, as Mr. Mestaers of New Broad-street, was returning to his country-house, at Wanstead, Essex, in a landaulet, accompanied by his lady, they were stopped by two highwaymen, between Laytonstone and Wanstead, who came full speed up to the carriage, and, presenting pistols, ordered the coachman to stop, threatening to shoot him if he did not; one of the robbers then went to the side of the carriage where Mrs. M. sat, and before she could let down the glass, dashed the muzzle of the pistol through it, and the other man having by this time come up, they, with the most horrid imprecations and threats, demanded her money. They took between two and three pounds in cash, and from Mr. M. a 5l. Bank note, and a gold watch, chain, &c. then turned their horses, and went off towards London. Mr. M. immediately on his arrival at Wanstead, dispatched his footman, on horseback, after the robbers, who meeting two gentlemen in a single-horse chaise, inquired if they had seen such men, and was informed they had just been robbed by them. The footman traced them to town by the way of Mile End, through which turnpike they had passed, full speed, without paying toll.

On Wednesday, *William Luck*, the man apprehended on Tuesday evening last, in Surrey, on suspicion of various highway robberies, was re-examined, when Mr. Daniel Bird, of Epsom, attended, and gave an account of his being robbed on Tuesday last, about two mile this side of Epsom, by two highwaymen, one of whom he believed to be the prisoner at the bar, and positively identified a receipt the prisoner was seen to drop, soon after he was taken into custody; the circumstances of his apprehension corroborating the suspicion, the parties were bound over to prosecute him for this offence at next Assizes for the county of Surrey. Mr. and Mrs. Mestaer attended and related the particulars of their being robbed, but could not positively identify the prisoner, though Mrs. M. believed him to be one of the men, and spoke positively to one of the horses produced at the Office door as being the same the robber was upon at the time.

Some other persons appeared, who had been robbed on Monday and Tuesday evening, but they did not know the prisoner; he was ordered to be brought up again on Thursday next.

ACCIDENTS, OFFENCES, &c.

Thursday morning, as the workmen were clearing away the ruins of Covent-Garden Theatre, at the Piazza-door, under the place where the Phœnix engine was so unfortunately destroyed with the firemen attending it, by the falling in of the arch, when they came to the cistern, they found the body of a man, not burned, but much bruised. Mr. Webb, of Tottenham Court-road, had missed his only son since the unfortunate catastrophe of the fire. He had made inquiry, but in vain—advertised him, but to no effect; he flattered himself and his anxious family with the hope that he had been impressed into the navy, or trepanned into a regiment of the line. As soon as the body was found, word was brought to Mr. Webb, he arrived in about ten minutes on horseback, and exclaimed, "if he be my son, he has laced boots on, and a silver watch, chain, and seals in his pocket." This description was correct; and the parent appeared lost in affliction. The body was removed in a shell, at twelve o'clock, to Covent-Garden Watch-house. Coroner's verdict—Accidental Death.

MARRIAGES.

On Thursday, at St. James's Church, Mr. Robert Hughes, of Great Marlborough-street, to Miss Ann Frances Fittler, youngest daughter of James Fittler, Esq. of Upper Charlotte-street, Fitzroy-square,

On the 26th ult. at Landewednack, Lieut. Humphries, of the Lizard Signal Station, to Miss Christiana Denham, daughter of Mr. Denham, Surgeon, of Falmouth: the bridegroom aged 50, the bride only 15!!

DEATHS.

In York-street, Dublin, on Christmas-day, aged 86, Charles Farran, Esq. many years Deputy Clerk of the Pleas in the Court of Exchequer in Ireland.

On the 11th inst. William Dalison, Esq. of Hamptons, in West Peckham, Kent, aged 78.

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